

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9759 of 2022**

Arising Out of PS. Case No.-517 Year-2021 Thana- KHAGARIA District- Khagaria

VISHAL CHAUDHARY @ VISHAL KUMAR Son of Jata Shankar  
Chaudhary @ Gholat Chaudhary R/o Village Sonbarsa Tola, Rahimpur, P.S. -  
Muffasil, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Chandan Kumar Kashyap  
For the Opposite Party/s : Mr.Md. Iftexhar Mahmood

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      21-04-2022      Heard learned counsel for the parties.

The petitioner seeks bail in a case registered for the  
offence under Section 30(a) of Bihar Prohibition and Excise  
Act.

As per the prosecution case, 102 liters of illicit foreign  
liquor has been recovered from *Basa* of the petitioner.

It is submitted on behalf of petitioner that nothing has  
been recovered from the conscious possession of this petitioner.  
Recovery has been made from an open place. Petitioner is in  
custody since 02.01.2022.

Learned A.P.P. for the State has opposed the bail  
petition and submitted that petitioner has got criminal  
antecedent and he is accused in one more case of similar nature.



Considering the aforesaid facts and circumstances as well as the fact that petitioner has got criminal antecedent of similar nature of case, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected. However, the learned court below, where the case is pending, is directed to release the petitioner on bail, **after framing of the charge.**

**(Prabhat Kumar Singh, J)**

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